

## Ferris, Lawrence

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**From:** LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>  
**Sent:** Tuesday, April 12, 2022 2:52 PM  
**To:** Ferris, Lawrence  
**Cc:** Lawson, Joel (OP)  
**Subject:** Confirmation: 4103 Davis Pl. NW - Parking  
**Attachments:** Ex. A - Architectural Plans (4103 Davis Pl. NW - BZA 20697).pdf; Ex. B - Certificates of Occupancy 4101-4103 Davis Pl NW.pdf

Lawrence Ferris:

By means of this email I confirm that I am in agreement with the analysis and the conclusions stated in your below email, and as shown in the attachments, and specifically that:

- This email response is to confirm parking compliance for a project that is currently pending before the BZA.
- The property is located at 4103 Davis Place NW (Square 1708, Lot 21) ("Property").
- Your client is renovating the existing 4-unit apartment building ("Building") on the Property, which will include adding two units in the existing cellar space for a total of 6 units after the work is complete ("Project").
- The Property is zoned RA-1, and the pending BZA application is pursuant to Section U-421 for new residential development (BZA Case #20697). No other zoning relief is requested. The hearing is scheduled for May 4, 2022. The architectural plans filed with the BZA are attached as Exhibit A for reference.
- The Building was constructed in 1938 together with the adjacent building to the east at 4101 Davis Place NW (Square 1708, Lot 22), which has two units. The two buildings are attached but are not internally connected and thus constitute separate buildings for zoning purposes. (The 4101 Davis building is not included in the Project and is not being renovated at this time.)
- As outlined in the BZA application, the Property is legally nonconforming as to the several RA-1 development standards, the Building having been constructed prior to the adoption of the 1958 Zoning Regulations. The nonconforming conditions are as follows:
  - FAR: maximum 0.9 FAR permitted, ~1.05 FAR existing
  - Lot occupancy: maximum 40% permitted, ~52% existing
  - Rear yard: minimum 20 ft. required, 9 ft. 8 in. existing
  - Side yard: minimum 8 ft. required, 7 ft. existing
- The Project will renovate the Building, create two new units in the existing cellar space, and add stairway mechanical penthouses to provide access for a new rooftop terrace. The Project will not expand the Building's footprint or increase building height and will neither increase nor extend any of the existing nonconformities. As noted above, the BZA application is only for approval for new residential development under Section U-421 and does not request any other zoning relief.
- The Building was legally constructed as a 4-unit apartment building with no parking spaces when originally built. (Note that the Certificate of Occupancy records we have been able to obtain for the Property, which are attached as Exhibit B, cover both the Building and the adjacent 4101 Davis Place building and state 6 total units, which is consistent with the 4 units in the Building, plus 2 units at 4101 Davis Place.)

Board of Zoning Adjustment  
District of Columbia  
CASE NO.20697  
EXHIBIT NO.29B

- Because the Building predates the 1958 Zoning Regulations, no parking was required at the time of construction and there is no evidence that the Property provided any parking. (Further, the Property would not have been able to accommodate any parking due to the 15-foot building restriction line along Davis Place and the significant drop in grade from the Property down to the adjacent public alley to the west, as can be seen in Photo #3 on Page 5 of the BZA plans.)
- Based on prior determinations of my office, because the Building was legally constructed without parking, the Property is entitled to parking credits based on the number of spaces required under the 1958 Zoning Regulations. Here, ZR-58 Section 2101.1 required 4 parking spaces for the Building (1 space per unit in the then-applicable R-5-A zone), and thus **the Property is entitled to 4 parking credits**.
- Under the current Zoning Regulations, the Project has a parking requirement of 1 space for the proposed 6 units (1 space for every 3 units, above 4 units).
- Accordingly, the Property's 4 parking credits are sufficient to cover the 1 space requirement. Therefore, the Project complies with respect to parking.

Please let me know if you have any further questions.

DISCLAIMER: This email is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this email are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this email. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This email is **NOT** a "final writing", as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this email based on the information submitted for the Zoning Administrator's review. Therefore this email does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.

**Matthew Le Grant**

Zoning Administrator

Office of the Zoning Administrator

Dept of Consumer and Regulatory Affairs

1100 4<sup>th</sup> St SW - Washington, DC 20024

[www.dcrd.dc.gov](http://www.dcrd.dc.gov)

Phone: Desk 202 442-4652 – Mobile 202-497-1742

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**From:** Ferris, Lawrence <LFerris@GOULSTONSTORRS.com>

**Sent:** Tuesday, March 22, 2022 10:25 AM

**To:** LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>

**Subject:** 4103 Davis Pl. NW - Parking Confirmation

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Matt

I am reaching out to confirm parking compliance for a project that is currently pending with the BZA. The property is located at 4103 Davis Place NW (Square 1708, Lot 21) ("Property"). Our client is renovating the existing 4-unit apartment building ("Building") on the Property, which will include adding two units in the existing cellar space for a total of 6 units after the work is complete ("Project"). The Property is zoned RA-1, and the BZA application is for approval pursuant to

Section U-421 for new residential development (BZA Case #20697). No other zoning relief is requested. The hearing is scheduled for May 4, 2022. The architectural plans we filed with the BZA are attached as Exhibit A for reference.

The Building was constructed in 1938 together with the adjacent building to the east at 4101 Davis Place NW (Square 1708, Lot 22), which has two units. The two buildings are attached but are not internally connected and thus constitute separate buildings for zoning purposes. (The 4101 Davis building is not included in the Project and is not being renovated at this time.) As outlined in the BZA application, the Property is legally nonconforming as to the several RA-1 development standards, the Building having been constructed prior to the adoption of the 1958 Zoning Regulations. The nonconforming conditions are as follows:

- FAR: maximum 0.9 FAR permitted, ~1.05 FAR existing
- Lot occupancy: maximum 40% permitted, ~52% existing
- Rear yard: minimum 20 ft. required, 9 ft. 8 in. existing
- Side yard: minimum 8 ft. required, 7 ft. existing

The Project will renovate the Building, create two new units in the existing cellar space, and add a small ancillary penthouse to provide access for a new rooftop terrace. The Project will not expand the Building's footprint or increase building height and will neither increase nor extend any of the existing nonconformities. As noted above, the BZA application is only for approval for new residential development under Section U-421 and does not request any other zoning relief.

The Building was legally constructed as a 4-unit apartment building with no parking spaces when originally built. (Note that the Certificate of Occupancy records we have been able to obtain for the Property, which are attached as Exhibit B, cover both the Building and the adjacent 4101 Davis Place building and state 6 total units, which is consistent with the 4 units in the Building, plus 2 units at 4101 Davis Place.) Because the Building predates the 1958 Zoning Regulations, no parking was required at the time of construction and there is no evidence that the Property provided any parking. (Further, the Property would not have been able to accommodate any parking due to the 15-foot building restriction line along Davis Place and the significant drop in grade from the Property down to the adjacent public alley to the west, as can be seen in Photo #3 on Page 5 of the BZA plans.)

Based on prior determinations of your office, because the Building was legally constructed without parking, the Property is entitled to parking credits based on the number of spaces required under the 1958 Zoning Regulations. Here, ZR-58 Section 2101.1 required 4 parking spaces for the Building (1 space per unit in the then-applicable R-5-A zone), and thus the Property is entitled to 4 credits. Under the current Zoning Regulations, the Project has a parking requirement of 1 space for the proposed 6 units (1 space for every 3 units above 4 units). Accordingly, the Property's 4 parking credits are sufficient to cover the 1-space requirement. Therefore, the Project complies with respect to parking.

**If you agree with the above analysis, please confirm by responding to this email.** We note that our prehearing submission to the BZA is due April 13. Accordingly, we would greatly appreciate any response you can provide prior to then.

Please let me know if you have any questions, need any additional information or would like to discuss. Thank you as always for your time.

Best,  
Lawrence

**Lawrence Ferris**  
(202)721-1135  
[Bio](#)

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